

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS – SAN ANTONIO DIVISION**

**THE UNITED STATES OF AMERICA &
THE STATE OF TEXAS,
ex rel., Matthew Andrew Garces**

RELATOR,

v.

**TENET HEALTHCARE CORPORATION,
BAPTIST HEALTH SYSTEM, INC.**

DEFENDANTS

CAUSE No. SA:18-CA-0802 DAE

**PLAINTIFF-RELATOR'S NOTICE OF DISMISSAL
PURSUANT TO FED. R. CIV. P. 41 (a)(2)**

COMES NOW, Relator Matthew Andrew Garces (“Relator”), by and through the undersigned counsel, respectfully moves pursuant to Fed. R. Civ. P. 41(a)(2) to voluntarily dismiss this action against Defendants Tenet Healthcare Corporation (“Tenet”) and Baptist Health System, Inc. (“Baptist”; collectively with Tenet, the “Defendants”). Dismissal is proper under Fed. R. Civ. P. 41(a)(2) as Defendants were not served and, therefore, they did not file an answer, motion for summary judgment, or counterclaims. Moreover, the United States and the State of Texas have provided Relator with written notice of their consent to dismissal pursuant to Fed. R. Civ. P. 41(a)(2), subject to the following conditions:

1. As to Relator Matthew Andrew Garces, this action is dismissed in its entirety with prejudice; and
2. As to the United States and the State of Texas, dismissal is without prejudice.

This case may only be dismissed by order of the Court. As such, Relator respectfully moves the Court for an order of voluntarily dismissal with prejudice as to his claims against all Defendants. The United States and the State of Texas consent to this dismissal, and entry of the proposed order of dismissal being submitted in conjunction with this motion, which dismisses the action as without prejudice as to them.

In light of the foregoing, this motion should be granted.

Dated: December 22, 2020

WEST, WEBB, ALLBRITTON, & GENTRY, PC
1515 Emerald Plaza
College Station, Texas 77845
Telephone: (979) 694-7000
Facsimile: (979) 694-8000

By: /s/ Gaines West
Gaines West
Texas Bar No. 21197500
gaines.west@westwebblaw.com

ATTORNEY FOR RELATOR
Matthew Andrew Garces

CERTIFICATE OF CONFERENCE

I certify that on the 22nd day of December, 2020, counsel for relator conferred with counsel for the government, listed below, regarding the merits of this motion, and no counsel for any party opposes the filing of this motion:

Erin Van De Walle
United States Attorney's Office
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

Ken Paxton
Texas Attorney General
Office of the Attorney General
300 W. 15th Street
Austin, Texas 78701

/s/ Gaines West
Gaines West

CERTIFICATE OF SERVICE

The foregoing was electronically filed with the Clerk of the Court on this 22nd day of December, 2020, a copy was served on counsel below in accordance with Federal Rules of Civil Procedure:

Erin Van De Walle
United States Attorney's Office
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

Ken Paxton
Texas Attorney General
Office of the Attorney General
300 W. 15th Street
Austin, Texas 78701

/s/ Gaines West
Gaines West